UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/1033
S/1999/858
9 August 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 41, 55, 76 and 149
THE SITUATION IN BOSNIA AND HERZEGOVINA
IMPLEMENTATION OF THE RESOLUTIONS OF
THE UNITED NATIONS
STRENGTHENING OF SECURITY AND COOPERATION
IN THE MEDITERRANEAN REGION
UNITED NATIONS DECADE OF INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-fourth year

Letter dated 6 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to inform you that the resolution on the status of Yugoslavia in the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, adopted at the seventh session of the Conference of the Contracting Parties to the Convention, Ramsar, Islamic Republic of Iran, 1971, held in San Jose, Costa Rica, from 10 to 18 May 1999, is null and void and has no legal effect because:

1. The Contracting Parties to the Ramsar Convention are not authorized to make a decision on the status of the Federal Republic of Yugoslavia in that Convention.

Such authorization is not contained in the Ramsar Convention, the Vienna Convention on the Law of Treaties 1969, the Vienna Convention on Succession of States in Respect of Treaties 1978 or any other general rule of international law.

2. Until the adoption of the above resolution, the Federal Republic of Yugoslavia participated regularly and as a full-fledged member in all conferences of the Contracting Parties (the Fifth Conference held in Kushir, Japan, 1993 and the Sixth Conference held in Brisbane, Australia, 1996), as well as in the work and meetings of organs and bodies established under the Ramsar Convention. The Federal Republic of Yugoslavia has regularly paid all its financial contributions arising from the Convention and is in possession of

proper certificates of payment of the Bureau. It should be noted that in 1995 and 1996, two new wetlands in the Federal Republic of Yugoslavia - Lake Skadar and Stari Begej, Carska Bara - were included in the list of wetlands of international importance, which can be seen from the special diplomas of the Standing Committee of the Convention.

3. The Contracting Parties to the multilateral treaties to which the Federal Republic of Yugoslavia is a Contracting Party have so far not raised this question. The fact is that the Contracting Parties have illegally excluded the Federal Republic of Yugoslavia from the work of some bodies and organs set up by these treaties, but have never made a decision to exclude it from the membership in multilateral treaties. On the contrary, the United Nations and regional organizations have emphasized all along that the Federal Republic of Yugoslavia is a Contracting Party to the multilateral treaties and insisted that it is obliged to adhere to their provisions.

In the preambular part of the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the United Nations on the status of the Office of the United Nations High Commissioner for Human Rights in the Federal Republic of Yugoslavia of 6 November 1998, it is stated that the Federal Republic of Yugoslavia is a State party to the Charter of the United Nations, the Universal Declaration of Human Rights, international covenants on human rights and other treaties. In the Agreement on the Organization for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission of 16 October 1998, it is stated in article 8 that the Federal Republic of Yugoslavia accepts the OSCE Mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations.

In the decision on the competency of the International Court of Justice in a dispute between the Federal Republic of Yugoslavia and Bosnia and Herzegovina, the Court considered that the Federal Republic of Yugoslavia is a Contracting Party to the Convention on the Prevention and Punishment of the Crime of Genocide 1948 solely on the basis of a letter that the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations addressed to the Secretary-General of the United Nations on 27 April 1992 in which it is said that the Federal Republic of Yugoslavia shall continue all rights and undertaken obligations of the Socialist Federal Republic of Yugoslavia in international relations ..., including its participation in international treaties, ratified or acceded to by the Socialist Federal Republic of Yugoslavia.

4. The request contained in a letter of the Permanent Representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia (A/53/975-S/1999/615) that the Secretary-General of the United Nations consider the issue of the status of the Federal Republic of Yugoslavia in the Ramsar Convention and international conventions in general, exceeds his competencies in view of the fact that the Secretary-General has no authority to make decisions on the membership of the States in international conventions either on the basis of the tasks entrusted to him within the United Nations or as a depositary of international treaties.

5. According to articles 34 and 35 of the Vienna Convention on Succession of States in Respect of Treaties, the participation of the States in international

treaties of a predecessor State is regulated in the same way in case a part or parts of the territory of a State separate to form one or more States, whether or not the predecessor State continues to exist or when, after a separation of any part of the territory of a State, the predecessor State continues to exist.

6. In their letter addressed to the Secretary-General of the United Nations, the Permanent Representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia acted in a malicious and ill-intentioned way (mala fidae), motivated exclusively by political considerations with a view to inflicting harm on the Federal Republic of Yugoslavia. Some of these States have recognized in bilateral agreements its international legal continuity of the Socialist Federal Republic of Yugoslavia (article 5 of the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996 and article 4 of the Agreement on the Regulation and Promotion of Cooperation between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia of 8 April 1996).

From the above, it can be concluded that the Federal Republic of Yugoslavia is a Contracting Party to the Ramsar Convention.

I should be very grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 41, 55, 76 and 149, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.